IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1783 OF 2003

Smt. Nalini Ramchandra Ghanekar .. Petitioner.
r/a.Shivajinagar, Pune-16.

V/s.

Mr.Madhav Atmaram Jalnapurkar .. Respondent.
r/a.Shivajinagar, Pune-16.

Mr.N.V.Walawalkar with G.H.Keluskar for the petitioner.

Mr.Madhav A.Jalnapurkar, the respondent, appears in person is present.

CORAM : S. A. BOBDE, J.

DATED : 10th OCTOBER, 2007.

P.C. :-

. After hearing the matter for some time, the following order is passed by consent.

i. The impugned judgment and decree of the lower appellate court is hereby set aside.

ii. The matter is remanded back to the trial court for a fresh decision of the suit.

iii. The respondent would be entitled to join the petitioner’s son Nachiket as a party to the

suit and shall be entitled to apply for any appropriate amendment to the plaint pursuant to such joinder and entitled to raise any issue by way of introducing additional facts and events.

iv. The petitioner shall be entitled to file such additional written statement as may be advised.

v. The parties shall also be entitled to lead such evidence in the case, as may be advised.

vi. The trial court shall decide the suit afresh in accordance with law and in any case not later than six months from the date the parties appear before it.

vii. The parties are directed to appear before the trial court on 29th of October, 2007.

2. Order accordingly with no order as to costs.

(S.A.BOBDE,J.)

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